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STATE FOR EUR/WE, L, PM, EUR/RPM AND ISN

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TAGS: PREL PGOV MARR MOPS MNUC BE

SUBJECT: BELGIAN LAW BANNING DEPLETED URANIUM TO TAKE
EFFECT IN JUNE 2009

REF: A. 07 BRUSSELS 949
 1B. STATE 107247
 1C. STATE 111744
 1D. BRUSSELS 1649

Classified By: Political-Economic Counselor Richard Eason, reason 1.4(b)
) and (d).

11. (U) This is an action request, see para 8.

12. (C) Summary: A law passed in 2007 banning depleted uranium (DU) munitions and armor-plating will come into effect in June 2009. Post requests that the Department (PM, IO, EUR, ISN, L and other interested bureaus) consider whether the law could have an effect on transit or storage of munitions or equipment with DU content by the U.S. or NATO in Belgium. Post believes that in the future, the law could influence Belgium's stance on depleted uranium in multilateral fora and wider public opinion on the issue in the world. Post is ready to work with the Department to craft a strategy to deal with the issue. End Summary.

13. (C) Belgium has been the center of a strong pacifist movement since much of the country was devastated by World War I. One result of this social and political trend has been a series of laws that have outlawed the production, storage and transport of certain weapons, including poison gas, antipersonnel mines, and cluster munitions. The latest in this series of laws is a law that prohibits inert munitions and armor-plating that contain depleted uranium or any other type of industrial uranium. The law was passed in May 2007 (ref A). Because of concerns by the Belgian government then in power about the uncertain state of the scientific facts regarding the dangers associated with depleted uranium, the law was written so as to come into force two years from date of publication, in this case June 20, 2007. As such, the law will come into effect on June 20, 2009 unless action to reverse is taken by the Belgian government and Parliament.

14. (C) The 2007 law amends the general law on individual and economic activities with arms (published June 9, 2006) to state that depleted uranium weapons are prohibited along with a list of other weapons. While Article 27 of the 2006 general law exempts the state from most of the law's prohibitions, it specifically prohibits "the use, storage, acquisition, and delivery by the state or public administration" of anti-personnel mines, cluster munitions and as of June 2009, depleted uranium munitions and armor. The law also gives the Belgian state three years from June 20, 2007 to destroy its existing stock of depleted uranium weapons and armor.

15. (C) The 2007 law deserves attention for two reasons. One potential concern is for transit and storage by the United States and other NATO members of depleted uranium weapons on

and through Belgian territory. The port of Antwerp has been an important trans-shipment point for materiel for operations Iraqi Freedom, Enduring Freedom and ISAF. The other is the implications of the law for Belgium's position on depleted uranium issues in international fora. On the first point, we have been assured by Werner Bauwens, Director of the Non-Proliferation and Export Controls Office of the Ministry of Foreign Affairs, that the law will not impact transit or storage of such weapons by the United States and NATO. He states that as a civil law jurisdiction, Belgium's treaty obligations to the United States and NATO take precedence over its domestic law. We also note that as a matter of fact, similar Belgian laws prohibiting anti-personnel mines and cluster munitions have not had an impact on U.S. or NATO operations.

16. (C) Bauwens himself is not pleased by the law on depleted uranium munitions, because he believes the scientific evidence on depleted uranium is still not clear on the safety of the material. He said that later this year there will be a discussion within the Belgian government about whether to challenge the coming into force of the 2007 law. Should the law come into force, it will be difficult for the GOB to continue to abstain on UNGA First Committee resolutions on depleted uranium, such as the one that was the subject of refs B and C. Bauwens said that he came under significant pressure from ecological groups at the time of this year's first committee resolution, but resisted because the 2007 law still had not come into force. The Belgian law would provide a focal point and argument for groups that oppose depleted uranium munitions, and not only in Belgium.

17. (C) So far as we can tell, the law on depleted uranium passed the Belgian House of Representatives unanimously in 2007, and reversing it may be difficult. However, it may not be impossible that an amendment further delaying the implementation of the law might pass with strong enough support from the government. Meanwhile, post would appreciate having a compendium of the research on the subject that supports the U.S. position on depleted uranium for use with Belgian officials and as appropriate, the media. At the same time, Bauwens has warned us that too much interference in the legislative process by the United States would be counterproductive, so any public diplomacy effort would have to be thoroughly discussed and undertaken with a light touch.

18. (C) Action request: Post requests that the Department consider the potential impact of the depleted uranium law on transit and storage of DU materials by the U.S. and NATO, as well as whether the law adversely impacts USG positions on DU in international fora and in public opinion. Post needs information on the state of the scientific debate over DU as well. We stand ready to work with the Department to craft an appropriate strategy on this issue.

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